

Diego, California * * * Quick Frozen From The Clear Blue Waters of the Gulf of California."

LIBELED: 1-13-61, N. Dist. Calif.

CHARGE: 402(a)(3)—contained miscellaneous dirt and was otherwise unfit for food by reason of smoke contamination when shipped.

DISPOSITION: 2-8-61. Consent—claimed by Wilbur-Ellis Co., San Francisco, Calif. Segregated; 417 cases denatured for use as bait.

FRUITS AND VEGETABLES

CANNED FRUIT

27960. Canned peaches. (F.D.C. No. 46083. S. No. 42-370 R.)

QUANTITY: 98 cases, 24 cans each, at Philadelphia, Pa.

SHIPPED: 5-19-61, from San Jose, Calif., by Sun Garden Packing Co.

LABEL IN PART: (Can) "Elna Yellow Freestone Elberta Peaches Mixed Slices of Irregular Sizes and Shapes in Heavy Sirup Contents 1 Lb. 12 Oz. Elna Brands Inc. Distributors—Chicago, Illinois."

LIBELED: 7-14-61, E. Dist. Pa.

CHARGE: 403(h)(2)—when shipped, the article purported to be and was represented as canned peaches, a food for which a standard of fill of container has been prescribed by regulations, and it fell below such standard since there was not present in the container of the article the maximum quantity of the optional peach ingredient which could be sealed in the container and processed by heat so as to prevent spoilage, without crushing or breaking such ingredient; and its label failed to bear, as required by regulations, a statement that it fell below such standard.

DISPOSITION: 4-25-62. Default—delivered to a charitable institution.

27961. Maraschino cherries. (F.D.C. No. 46355. S. No. 23-102 T.)

QUANTITY: 57 cases, 12 jars each, at Denver, Colo.

SHIPPED: Between 7-25-61 and 9-28-61, from Oakland, Calif., by Safeway Stores, Inc.

LABEL IN PART: (Case) "12 Red 16 Oz. Empress * * * Maraschino Cherries" and (jar) "Empress Maraschino Cherries in Heavy Syrup Net Wt. 1 Lb. Contains * * * Safeway Stores, Inc. Dist. * * * Oakland, Calif."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 10-9-61, Dist. Colo.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 12-26-61. Consent—claimed by Pacific Cherry & Fruit Corp., Los Angeles, Calif., and relabeled.

27962. Maraschino cherries. (F.D.C. No. 47569. S. Nos. 56-108/9 T.)

QUANTITY: 142 cartons, 24 jars each, at Brooklyn, N.Y.

SHIPPED: 3-8-62, from Elizabeth, N.J., by Wakefern Food Corp.

LABEL IN PART: (Jar lid) "Three Star Brand Maraschino Cherries Contents 10½ Oz. Avd. Packed by Paradise Packing Co., Brooklyn, N.Y."